

LAND USE AND ZONING COMMITTEE
January 24, 2008

The Land Use and Zoning Committee hereby find and determine that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 7:00 p.m.

The following members were present: Messrs. Bodnar, Haycox, Hazel, Hullihen, Klco, Morse, Welch, Terriaco, and Messes. Ross, Diak and Garland. Staff: David Radachy.

There were three cases:

Case #1, Concord Township Text Change to Section XXII:

Staff explained that the change was to add light manufacturing as a conditional use to parcels that were in both Gateway Business, GB and Research and Development 2, RD2. This change was asked for by Concord Real Estate Investments who owns the four parcels that meet the characteristics that were describe in the text.

Staff explained that there were some issues with the text change. First of all there are no proposed conditions for this use. Staff pointed out that there was a foot note at the bottom of the table of permitted uses that states "For split-zoned parcels located with the GB and RD-2 districts, with frontage on Auburn Road, Capitol Drive and Discovery Drive, light manufacturing will be a conditional use, subject to the conditions set forth in 22.02 (8) of this zoning resolution." 22.02 B of the Concord Township Zoning Resolution states: "A use listed in Section 22.03 shall be permitted as a conditional use in a district when denoted by the letter "C"; provided the Board of Zoning Appeals first makes the determination that the requirements and procedures of Section XIII, Conditional Use Permits, and Section XXXVI, Site Plan Review, of the Zoning Resolution have been met." There are no conditions listed in this section nor is there a reference to section XIII, the conditional use section of the Concord Township Zoning Resolution.

The proposed language states: "For split-zoned parcels located with the GB and RD-2 districts, with frontage on Auburn Road, Capitol Drive and Discovery Drive, light manufacturing will be a conditional use, subject to the conditions set forth in 22.02 (8) of this zoning resolution." The way the text amendment is written, it would only effect parcels 8A-20A-1 and 8A-20A-3. Parcel 8A-20A-4 lacks frontage on Capitol Parkway and Parcel 8A-20A-5 is meant to be road and lacks frontage on Capitol Parkway.

Staff showed where the split zoning parcels were located. He gave a timeline for the Auburn-Crile Business Corridor Study. He also showed the goals of the Auburn-Crile Corridor study which stated:

- Improve the overall appearance of the corridor, including architecture, access management, landscaping and signage so it presents a positive impression of the Township.
- Eliminate the unplanned and inefficiently managed commercial growth patterns.

- Create zoning classification (s) that complement the market demands anticipated with future businesses.

Staff also showed the purpose statement from the Gateway Business District, which stated: To provide a Gateway Business District that offers a balance of personal services, office and retail uses along a major thoroughfare while supporting surrounding businesses and local residents. The Design of this area will encourage grouping of establishments located in a unified site, providing adequate off street parking as well as efficient and safe methods of handling vehicular and pedestrian traffic.

Staff recommended that the text change not be made because it did not conform to the Auburn Crile Comprehensive Plan, text did not include conditions and had inconsistencies in the language regarding the location of where this use was to take place.

The committee asked if the property owners had an opportunity to speak on the zoning text and district change. Staff stated yes.

Mr. Terriaco made a motion to accept the staff's recommendation of not accepting the text amendment.

Mr. Welch seconded the motion.

All voted "Aye".

Motion passed.

Case 2 Leroy Township District Change, R-1, B-2 to R-2

Staff stated the district change involves 1,943 acres of R-1 and B-2 zoned land north of I-90, south of Perry Township, west of Madison Township and east of Concord Township. Most of the land being rezoned from R-1 (1.5 Acre, 150 ft of Frontage) to R-2 (3 acre, 200 ft of frontage). The R-2, Rural Residential text went into effect on September 27, 2007. The LeRoy Township Zoning Commission is the applicant. This district change is part of the 2005 LeRoy Township Comprehensive Plan. Staff showed the location of the area being rezoned.

Mr. Klco made a recommendation that the district change be made. Ms. Garland seconded the motion.

All voted "Aye".

Motion passed.

Case 3 Madison Township Text Change to M-1, light industrial

Staff stated that Madison is making changes to the M-1, light industrial district. Staff had reviewed the text and made the following recommendations:

1. Instead of stating any Business Activity occurring in M-1 district state that any activity occurring in M-1 requiring a zoning permit through section 140 or conditional use permit through section 142.4 will require a site plan.
2. Some of the uses listed in the permitted use and conditional use list require the use of land outside of an enclosed structure. Madison Township should add language that would allow this to happen. For an example: ...and shall be

operated entirely within an enclosed structure unless otherwise noted. Then list outdoor storage and use of outdoor space as an accessory use for certain uses such as: Agriculture services, general building contractor, landscape services, etc.

3. They are adding Heavy Construction except highway to the conditional use table. The SIC codes listed will allow for bridge, tunnel, water and sewer pipeline and communications contractors. These uses are very similar to highway construction.
4. The Township should consider eliminating the use of SIC codes as the permitted use list. The codes are inconsistent and may allow uses that were not intended to be allowed.
5. Staff recommends the excluding of uses SIC 3274, 3292 and 3295.
6. Madison Township allows for sand and gravel mining in A-1 and A-R (both allow for residential. Sand and gravel mining are also allowed in P-1, B-1 and B-2. The uses allowed for in these areas are not as disruptive as uses in M-1. They are offices, and retail uses. Sand and gravel is also allowed in S-1, the green area along the Grand River. It does not make sense to eliminate sand and gravel mining in a light industrial zone when you allow for it in residential and business zones. Either leave sand and gravel mining in M-1 or eliminate it in all districts.

Mr. Klco stated that this text change was started when the zoning commission started looking into the issue of having rock crushers in the M-1 District. Mr. Haycox asked if Madison could eliminate rock crushers. Staff stated yes. The purpose statement said that the township wanted uses free of noise and dust. So long as the township has health and safety issues as the reasons for eliminating a use, they can do so. Mr. Morse stated that he works at the Red Cross across the street from Union Sand who has a rock crusher and it is very loud and produces a lot of dust.

Mr. Welch recommended the text be accepted with staff's modifications. Ms. Diak seconded the motion.

All voted "Aye".
Motion passed.

Ms. Garland motioned to adjourn.
Mr. Welch seconded.

All voted "Aye". Motion passed.

Meeting ended at 7:30 P. M.